

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MID AMERICA SOLUTIONS LLC,
Plaintiff,

vs.

VANTIV, INC., et al.,
Defendants.

Case No. 1:16-mc-2
Beckwith, J.
Litkovitz, M.J.

ORDER

This matter is before the Court on plaintiff Mid America Solutions LLC's motion to strike (Doc. 25) and third-party defendant Vantiv, Inc.'s ("Vantiv") response in opposition (Doc. 26).

On March 17, 2016, the Court heard oral argument on plaintiff's motion to compel discovery from Vantiv related to plaintiff's pending breach of contract action in the United States District Court for the Western District of Michigan against defendant Merchant Solutions International, Inc. ("MSII") (Doc. 3), as well as Vantiv's motion to quash and motion for sanctions (Doc. 12). After oral argument, the Court directed the parties to supplement the record on various matters by March 24, 2016. (*See* Doc. 16).

On March 18, 2016, Vantiv moved for an extension of time until March 29, 2016 for supplementation of the record. (Doc. 17). The Court granted the motion for an extension of time and indicated that the parties would have until March 29, 2016 to supplement the record. (Doc. 18). Plaintiff filed supplemental memoranda on March 28, 2016. (Docs. 19, 20). MSII filed a supplemental memorandum on March 29, 2016. (Doc. 21). Vantiv filed its supplemental memorandum on March 29, 2016 as well. (Doc. 22). In its supplemental memorandum, MSII asserted that plaintiff's supplemental memorandum included hundreds of pages of attachments

and made “unsupported accusations against MSII.” (Doc. 21 at 1 n.1). MSII “reserve[d] the right to address Plaintiff’s brand new conspiracy claims in a subsequent filing.” (*Id.*). On April 7, 2016, MSII filed an additional supplemental memorandum to further address plaintiff’s supplemental memoranda. (Doc. 23).

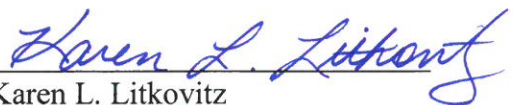
On April 8, 2016, plaintiff filed the instant motion to strike. (Doc. 25). In its motion, plaintiff notes that the Court granted Vantiv’s motion for an extension of time “up to and until 3/29/2016 to supplement the record.” (*Id.* at 1). Plaintiff asserts that Vantiv and MSII filed supplemental memoranda “on March 29, 2016 after the record was closed.” (*Id.*). Plaintiff further asserts that “MSII, in disregard of the Court’s Order has now made another filing.” (*Id.* at 2). Accordingly, plaintiff requests that the Court “strike the filing(s) made in contravention of its Order of March 21, 2016.” (*Id.*).

Vantiv responds that it filed its supplemental memorandum on March 29, 2016 in accordance with the Court’s Order. (Doc. 26 at 1).

Plaintiff’s motion to strike (Doc. 25) is **DENIED** as to the supplemental memoranda of MSII (Doc. 21) and Vantiv (Doc. 22) filed on March 29, 2016. These memoranda were filed within the deadline set by the Court in its Order granting an extension of time. (*See* Doc. 18). Further, plaintiff’s motion to strike is **DENIED AS MOOT** as to MSII’s supplemental memorandum (Doc. 23) filed on April 7, 2016 as the Court did not consider this document in ruling on plaintiff’s motion to compel and Vantiv’s motion to quash and motion for sanctions.

IT IS SO ORDERED.

Date: 4/20/16


Karen L. Litkovitz
United States Magistrate Judge